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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(OAKLAND DIVISION)

DENNIS KUNKEL, DAVID WROBEL
and JOHN CUNNINGHAM, on behalf of
themselves and all others similarly situated.

Plaintiffs.

V

JOHN WILEY & SONS, INC.

Defendant.

Case No. 14-cv-3180-JSW

**STIPULATION TO FILE FIRST
AMENDED COMPLAINT, TO EXTEND
TIME TO RESPOND, AND TO CONTINUE
INITIAL CASE MANAGEMENT
CONFERENCE AND RELATED
DEADLINES; [PROPOSED] ORDER**

[Civ. L.R. 6-2 and 16-2(e)]

Initial CMC Date: October 17, 2014
Time: 11:00 a.m.
Place: Courtroom 5, 2nd Floor
Judge: Hon. Jeffrey S. White
Trial Date: None Set

22 On July 14, 2014, Plaintiffs Dennis Kunkel, David Wrobel, and John Cunningham filed a
23 class action Complaint against Defendant John Wiley & Sons, Inc. (“Wiley”) in the above-
24 captioned case (Dkt. 1).

25 On August 5, 2014, the parties filed a joint stipulation to extend the time for Wiley to
26 respond to the Complaint to September 5, 2014 (Dkt. 13).

Plaintiffs now seek to file a First Amended Complaint (“FAC”) pursuant to Federal Rule

1 of Civil Procedure 15(a).

2 In light of the anticipated filing of the FAC, the parties desire to continue the Initial Case
3 Management Conference currently scheduled for October 17, 2014 at 11:00 a.m. to allow
4 Plaintiffs to file the FAC and Wiley to file its responsive pleading before the Court conducts the
5 Initial Case Management Conference.

6 The parties have agreed to continue the Initial Case Management Conference to December
7 12, 2014 at 11:00 a.m. The parties have reviewed the Court's Calendar and Scheduling Notes and
8 determined the December 12, 2014 date is available for this case, which has a terminal digit of 0
9 (zero).

10 NOW THEREFORE, Plaintiffs and Wiley hereby stipulate and agree as follows:

- 11 1. Plaintiffs shall file a First Amended Complaint by October 6, 2014.
- 12 2. Wiley's responsive pleading shall be due thirty (30) days after the First
13 Amendment Complaint is filed.
- 14 3. The Initial Case Management Conference is continued to December 12, 2014 at
15 11:00 a.m. in Courtroom 5 of the above-captioned court.
- 16 4. All dates relating to the parties' obligations to engage in a Meet and Confer,
17 provide Initial Disclosures, to commence discovery, and to prepare a Case
18 Management Statement under Federal Rules of Civil Procedure Rule 26 and the
19 Northern District of California Civil Local Rules shall be continued and flow from
20 the December 12, 2014 Initial Case Management Conference date.
- 21 5. This stipulation is without prejudice to the rights, claims, or defenses of any party.

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1 6. Pursuant to Civil Local Rule 6-2 and 16-2, this is the first stipulation between the
2 parties to continue the hearing date on the Initial Case Management Conference.
3 No trial date has been set in this case.

4 IT IS SO STIPULATED.

5 Dated: September 4, 2014

6 By: /s/ Eric B. Fastiff
Eric B. Fastiff

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26 *Attorneys for Individual and Representative Plaintiffs*

1
2 Dated: September 4, 2014

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23 *Attorneys for John Wiley & Sons, Inc.*

24 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

25 I, Eric B. Fastiff, hereby attest that concurrences in the filing of this document have been
26 obtained from each of the signatories.

27 By: /s/ Eric B. Fastiff
28 Eric B. Fastiff

29 **[PROPOSED] ORDER**

30 Pursuant to stipulation, the foregoing is approved and IT IS SO ORDERED.

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32 DATED: September 5, 2014

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35 THE HONORABLE JEFFREY S. WHITE
36 UNITED STATES DISTRICT JUDGE